

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON DECEMBER 14, 2004 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Bill Hager
Council Member Dave Freudenberg
Council Member Susan Haynie
Council Member Susan Whelchel

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of November 22, 2004
Minutes of the Regular Meeting of November 23, 2004

PROCLAMATIONS / AWARDS / PRESENTATIONS:

Presentation of Holiday Ornament – Boca Raton Garden Club

NOTICE

Pursuant to F.S. 286.0105, if any decision of City Council affects you, and you decide to appeal any decision made at this meeting with respect to any matter considered, you will need a record of the proceedings and, for such purposes, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above NOTICE is required by State Law. If you desire a verbatim transcript, you shall have the responsibility, at your own cost, to arrange for the transcript.)

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Citizens' Pedestrian and Bikeway Advisory Board – Two (2) vacancies, due to term expirations of George Petruff and Clint Oster, whose terms expire 01/12/05.

2. Responses to Workshop Information Requests:

3. Consent Agenda:

(Prior to consideration of a motion to approve the consent agenda, the Mayor shall provide for public comment. Those items removed from the consent agenda will be considered under Part VII or as otherwise directed by the City Council.)

a. Sealed Bids

- | | | |
|----|---|-----------|
| 1) | Improvements at Swim & Racquet Club Parking Lot
Requested by Recreation Services
Florida Blacktop, Inc. | \$30,474 |
| 2) | Fence Installation for Utility Services Facilities
Requested by Utility Services
Anything In Fence | \$60,000 |
| 3) | Roundabout at SW 12th Avenue at 13th Street
Requested by Municipal Services
Rosso Paving & Drainage, Inc. | \$166,013 |

b. Sealed Bid Renewal

- | | | |
|----|---|----------|
| 1) | Polymer - Renewal
Requested by Utility Services
Transworld Chemical | \$60,000 |
|----|---|----------|

c. Intergovernmental Agreements

- | | | |
|----|---|-----------|
| 1) | Toro Workman 3200 Heavy Duty
Truckster Vehicles - Replacement
Requested by Recreation Services
Wesco Turf Supply, Inc. | \$35,117 |
| 2) | SCBA Airpaks and Cylinders - Replacement
Requested by Fire-Rescue Services
Fisher Scientific Company, LLC | \$427,859 |
| 3) | Radios and Batteries - New and Replacement
Requested by Fire-Rescue Services
Motorola | \$66,016 |

- 4) Laptop Computers
Requested by Utility Services
IBM Direct \$36,939
- d. Sole Source
 - 1) Medical Supplies and Pharmaceutical Restocking
Requested by Fire-Rescue Services
Boca Raton Community Hospital \$25,000
 - 2) Automated Fingerprint Identification System
Latent Station - Replacement
Requested by Police Services
Printrak, A Motorola Company \$113,900

- e. Emergency
 - 1) Emergency Tree Replacement at Mizner Park
Requested by Recreation Services
Conco Horticultural, Inc. \$60,000

f. Equalizing Assessment Resolution No. 02-E/C

A resolution of the City of Boca Raton amending the payment provisions and Exhibits “A” and “D” of Equalizing Resolution 02-E for the construction of a wastewater collection system and other improvements in an area generally known as Spanish Village; providing for severability; providing for repealer; providing an effective date

g. Final Assessment Resolution No. 02-F

A resolution of the City of Boca Raton providing for the acceptance of certain improvements, including the construction of a wastewater collection system and other improvements in an area generally known as Spanish Village, as more particularly described herein; providing for billing of the special assessments and impact fees; providing for severability; providing for repealer; providing an effective date

h. Initial Assessment Resolution No. 03-I

A resolution of the City of Boca Raton relating to the levy of special assessments for the construction of a wastewater collection system and other improvements in an area generally known as Area II, as more particularly described herein, which lands are specifically benefited by the construction; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 217-2004

A resolution of the City of Boca Raton rescheduling the second workshop and regular meetings in February 2005; canceling the first workshop and regular meetings in March 2005; rescheduling the first workshop meeting in October 2005; and canceling the second workshop and regular meetings in December 2005; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 218-2004

A resolution of the City of Boca Raton approving and accepting an easement deed from Gables Realty Limited Partnership over certain lands located in Boca Del Mar No. 6; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 219-2004

A resolution of the City of Boca Raton authorizing the City Manager to execute Change Order No.1 to Work Order Nos. 1, 2 and 3 with Harvard Jolly Inc. for the purpose of providing additional professional architectural and design services for the Spanish River Library; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 220-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a service agreement with Navarro Group Ltd., Inc. for the purpose of providing security guard services for City facilities; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 221-2004

A resolution of the City of Boca Raton authorizing the City Manager to amend the City's Executive Benefit Plan for the purpose of establishing benefits for the City's Executive Employees; providing for severability; providing for repealer; providing an effective date

n. Resolution No. 222-2004

A resolution of the City of Boca Raton updating the pay grade schedule for employees in the non-bargaining unit for Fiscal Year 2004-2005; providing for severability; providing for repealer; providing an effective date

o. Resolution No. 223-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the 2004-2007 agreement between the City and the National Conference of Firemen and Oilers, Local 1227; providing for severability; providing for repealer; providing an effective date

p. Resolution No. 224-2004

A resolution of the City of Boca Raton, providing for the participation of the Mayor and City Council Members in the Elected Officers' Class of the Florida Retirement System; providing for severability; providing for repealer; providing an effective date

q. Resolution No. 225-2004

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the agreement between the City and the Fraternal Order of Police, Lodge 35; providing for severability; providing for repealer; providing an effective date

r. Board Resignation

Resignation of Barbara Safranek from the Citizens' Bicycle and Pedestrian Advisory Board

s. Receive and File Board Minutes – December 14, 2004

- 1) Community Appearance Board
November 2, 2004
November 9, 2004
- 2) Community Relations Board
October 18, 2004
- 3) Education Advisory Board
October 25, 2004
- 4) Environmental Advisory Board
October 21, 2004
- 5) Financial Advisory Board
September 20, 2004
- 6) General Employees' Pension Board
September 16, 2004
September 24, 2004
- 7) Historic Preservation Board
October 19, 2004
- 8) K-12 Education Task Force
October 21, 2004
- 9) Library Advisory Board
October 20, 2004
- 10) North Federal Highway Steering Committee
October 26, 2004
- 11) Parks & Recreation
October 5, 2004
October 5, 2004 (Public Meeting)
- 12) Pearl City Blue Ribbon Committee
September 23, 2004

- 13) Police & Firefighters' Pension Board
September 23, 2004
October 7, 2004
- 14) Zoning Board of Adjustment
October 14, 2004

(If you are planning to speak during any of the following public hearings, please state your name and address for the record and limit your remarks to five (5) minutes.) (Note: The conduct of any hearing under Part II will be governed by the “quasi-judicial procedures” attached to this agenda.)

REGULAR BUSINESS – PART II – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

- 4. Resolution No. 188-2004 (Continued from the November 23, 2004 meeting)

A resolution of the City of Boca Raton providing for the development of, and the approval of certain conditional uses on, certain property, as more specifically described herein; authorizing the Mayor and City Clerk to execute an amended and restated agreement with Florida Atlantic Research and Development Authority; providing for severability; providing for repealer; providing an effective date (SC-04-01)

(The public hearings on Items 5 and 6 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines. A separate vote will be taken on each petition.)

- 5. Ordinance No. 4790 (Second of two required public hearings – Requires 4 votes for adoption)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 78.97 acres, more or less, located at the southeast corner of the intersection of Military Trail and Yamato Road, north of Spanish River Boulevard, as more specifically described herein, from IL (Light Industrial) to N (Conservation); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-03-09)

- 6. Ordinance No. 4791

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 78.97 acres, more or less, located at the southeast corner of the intersection of Military Trail and Yamato Road, north of Spanish River Boulevard, as more specifically described herein, from LIRP (Light Industrial and Research Park) to PL (Public Land); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (SC-03-09)

(The public hearing on Items 7,8 and 9 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines. A separate vote will be taken on each petition.)

7. Ordinance No. 4828 (Second of two required public hearings – Requires 4 votes for adoption)

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 5.93 acres, more or less, located at 4002 North Military Trail as more specifically described herein, from IL (Light Industrial) to RM (Residential Medium) and N (Conservation); providing for the appropriate revisions of the Future Land Use Map; granting a technical deviation for a driveway; providing for severability; providing for repealer; providing an effective date (UC-04-03)

8. Ordinance No. 4829

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 5.93 acres, more or less, located at 4002 North Military Trail, as described more particularly herein, from LIRP (Light Industrial Research Park) to R-3 (Multiple Family); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (UC-04-03)

9. Resolution No. 205-2004

A resolution of the City of Boca Raton granting tentative plat approval to the proposed Herity Townhomes Subdivision Plat, subject to conditions; providing for severability; providing for repealer; providing an effective date (UC-04-03)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

10. Ordinance No. 4836

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of unimproved right-of-way for Avenue C, located between N.E. 10th Street and N.E. 11th Street, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-04-02)

11. Ordinance No. 4837

An ordinance of the City of Boca Raton amending certain sections of the Code of Ordinances relating to the General Employees' Pension Plan; implementing provisions of the collective bargaining agreement between the City of Boca Raton and the National Conference of Firemen & Oilers concerning employee pensions; providing for severability; providing for repealer; providing for codification; and providing an effective date

12. Ordinance No. 4838

An ordinance of the City of Boca Raton amending certain sections of the Code of Ordinances relating to the Police and Firefighters' Retirement System; implementing provisions of the collective bargaining agreement between the City of Boca Raton and the Fraternal Order of Police concerning police pensions; providing for severability; providing for repealer; providing for codification; and providing an effective date

13. Ordinance No. 4839

An ordinance of the City of Boca Raton amending certain sections of the Code of Ordinances relating to the Executive Employees' Retirement Plan; providing for severability; providing for repealer; providing for codification; and providing an effective date

14. Ordinance No. 4840

An ordinance of the City of Boca Raton amending Sections 6-10 and 6-14, Code of Ordinances, to implement a Charter Amendment providing that City Council Members shall be elected to four (4) separate seats, as more specifically described in Ordinance No. 4799; providing for severability; providing for repealer; providing for codification; providing an effective date

15. Ordinance No. 4841

An ordinance of the City of Boca Raton pursuant to Section 13-60, Code of Ordinances, and Section 163.380, Fla. Stat., confirming and approving the disposition of property approved by the Boca Raton Community Redevelopment Agency ("CRA") pertaining to Mizner Park, as follows: (A) an assignment of an existing lease to Mizner Park Cultural Arts Association, Inc. ("Tenant"); and (B) an Amended and Restated Lease Agreement between the CRA and Tenant ("Amended and Restated Lease Agreement"); providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

(Rule 1.13 of the City Code states that the Council shall not grant leave to any person to speak on any ordinance which is listed for the purpose of introduction only.)

16. Ordinance No. 4834

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 217 acres, more or less, located at Military Trail and Spanish River Boulevard, as more specifically described herein, from IL (Light Industrial) to PI (Public and Private Institutional); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (SC-04-05)

17. Ordinance No. 4835

An ordinance of the City of Boca Raton relating to rezoning; providing for the rezoning of a parcel of land consisting of 217 acres, more or less, located generally east of Military Trail and north and south of Spanish River Boulevard, as described more particularly herein, from Light Industrial and Research Park District (LIRP) to Public Land District (PL); providing for the appropriate revisions of the zoning district map; providing for severability; providing for repealer; providing an effective date (ZC-04-02)

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

(If you are planning to speak during public requests, please state your name and address for the record and limit your remarks to five (5) minutes.)

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

CITY MANAGER RECOMMENDATIONS AND REPORTS:

CITY ATTORNEY REPORTS:

MAYOR AND COUNCIL MEMBER REPORTS:

ADJOURNMENT:

Quasi-Judicial Public Hearing Procedures

1. Any hearing listed on the agenda, as a quasi-judicial public hearing will be conducted pursuant to these rules. This means that the City Council is required by law to base its decision on the evidence contained in the record of this proceeding, which consists of the testimony at the hearing and on the materials, which are in the official City file on this application at the end of the hearing.
2. At the beginning of the hearing, the members of the City Council will announce for the record any “ex parte” contacts not previously disclosed in writing and included in the official City file. The name of the person with whom the contact occurred and the subject matter of the discussion will be disclosed.
3. The City Attorney will announce that each applicant requesting approval, relief or other action from the City Council, planning and zoning board, community appearance board, or the zoning board of adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed directly, or on its behalf, for an agreement to support, or withhold objection to, the requested relief or action.
4. The City Clerk will administer an oath to all persons who intend to testify at this hearing. **Any person who intends to testify at this hearing is asked to fill out a card, which can be found in the rear of the Council Chamber.** The purpose of this card is to provide an accurate record of an appearance at this hearing. Please hand the card to one of the clerks in the front of the chamber.
5. The City staff will make an initial presentation. The petitioner will then make a presentation. During the staff and petitioner’s presentation, only the members of the City Council are permitted to ask questions.
6. After the petitioner’s presentation, all other parties who are present to testify and/or provide written or other evidence for inclusion in the record will be permitted to do so. During this time, only the members of the City Council are permitted to ask questions.
7. After the staff, the petitioner and other interested parties have made their presentations, persons will be permitted to cross-examine participants in the hearing, including the staff and the petitioner, **in order of their appearance at the hearing.** Anyone who testifies at the hearing should remain until the conclusion of the hearing in order to be able to respond to any questions.
8. After the questions have been asked and answered, the petitioner shall be provided with an opportunity for a brief rebuttal and summary.
9. The Mayor will then declare the public hearing closed, and a motion will be made regarding the matter. The Council will then proceed to discuss the matter and vote on the matter.